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SUBJECT: INL'S Rule-of-Law Conference Shows Need and Desire for
Further U.S.-Turkmenistan Cooperation

SUMMARY

¶1. (U) A June 4-6 U.S.-sponsored "Cooperation to Promote Rule-of-Law" conference allowed approximately 30 Turkmenistan law enforcement and justice officials to compare and contrast Turkmenistan's criminal justice system with those of the United States and Russia. The U.S. Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) implemented the International Narcotics and Law Enforcement (INL)-sponsored conference, the second half of a program begun in October 2006 with a rule of law study tour, when 12 of the participants traveled to the United States to learn about the American criminal justice system from two of the experts and others.

Attendees were enthusiastic about this conference -- for many, it was their first exposure to concepts like presumption of innocence and due process -- and hoped to see future conferences focus on specific areas, such as fighting narcotics or trafficking. This rule of law conference was a seminal event here, but participants' feedback demonstrates the need for many more, similar programs. End Summary.

FROM THE CRIME TO THE COURT

¶2. (U) Presentations were grouped into five segments, each covering a topic related to the Turkmenistan, U.S. and Russian criminal justice systems. The topics addressed criminal procedure and new legislation; prosecutors and investigators; defense counsel; rights of the accused; and judges. Discussion followed each presentation, with both listeners and presenters asking questions.

¶3. (SBU) The Turkmenistani participants were particularly interested in four issues: powers of the prosecutor; corruption on the part of judges, prosecutors, and other criminal justice actors; police trustworthiness and law enforcement misconduct; and defense access to evidence. Participants questioned whether U.S. prosecutors would be more successful if they had authority as extensive as that of their Turkmenistani counterparts. The U.S. experts responded that the American criminal justice system was based upon checks and balances. Participants also wondered who would investigate a prosecutor or judge for committing a crime, and how police were to be trusted and either held liable or exempt from criminal responsibility.

¶4. (SBU) Much attention focused on the rights and limitations of defense attorneys. Participants were interested in how defense attorneys were appointed, and whether defendants could choose and hire their own counsel. They also wanted to know to what extent the defense could access evidence, such as state secrets, witness statements, and exculpatory evidence.

15. (SBU) Finally, participants inquired into several issues of accountability and transparency. They asked about illegal arrests and their consequences for authority and arrestee alike; how amnesty processes worked; and how court records being public might affect human rights.

MORE PARTICIPANTS, MORE ROLE PLAY, AND MORE PRACTICALITY

16. (SBU) All participants responded in anonymous questionnaires that they enjoyed the conference and covered topics. Many said the conference allowed them to broaden their knowledge on foreign judicial practices, as well as compare practices of other countries.

While five governmental bodies represented Turkmenistan at the conference, participants noted the absence of defense attorneys and Ministry of National Security (i.e., KGB) officials, and recommended that they take part in future conferences.

17. (SBU) Participants mentioned they did not know the conference themes until the conference began; they would have liked to study the materials and topics in advance. They also wanted to address each topic more thoroughly and through role playing, giving participants the opportunity to engage in and observe decision-making processes in real-life scenarios.

18. (SBU) Many participants recommended having more narrow, topic-oriented conferences in the future. Ministry of Internal Affairs representatives suggested having more discussions on comparing different countries' criminal investigations. Mejlis members recommended examining international legal norms; the experience of CIS countries in implementing such norms; and the pluses and minuses of applying those norms. Turkmenistani judges asked for more practical exercises on criminal procedure, from case identification through court trials and verdicts. Participants across the board asked for visits by experts in specific areas, such as narcotics and trafficking.

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COMMENT

19. (SBU) One of the biggest obstacles to strengthening the rule of law in Turkmenistan is a lack of human capacity among law enforcement officials -- and a lack of exposure by Turkmenistan's officials to international legal standards. The conference -- the first of its type held by the embassy -- was a breakthrough in terms of subject matter, and represents the Government of Turkmenistan's implicit acknowledgment that rule of law is still only an abstract concept here. The conference succeeded in its primary goal of exposing a broader cross-section to some rule-of-law basics and post believes that -- given the participants' interest in many of the ideas being taught -- it will be possible to make an impact gradually as Turkmenistan's law enforcement and judicial community gain increased exposure to other judicial systems. End Comment.

HOAGLAND